

A LOOK AT LINCOLN: Lincoln's Proclamation: Emancipation Reconsidered

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Review

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The Question of Lincoln and Emancipation Reassessed

Abraham Lincoln patiently indicated to Senator Charles Sumner, who urged emancipation immediately after Fort Sumter fell, that emancipation would be unconstitutional because, because presidents possessed no constitutional power to overturn any state's slavery statutes merely by proclamation. And such a proclamation would say or do nothing about what to do with the freed slaves the day afterward or what legal consequences might be if slaveholders challenged an emancipation decree in a federal court system with the ill-famed Chief Justice Roger Taney, famous for his decision in *Dred Scott*, still at its head.

When the commandant of the Department of Missouri, John Charles Fremont, issued his own emancipation decree in late 1861, based on the power of martial law, Lincoln revoked it, later relieving Fremont of command.

There was no jurisprudence in American law that established what the martial-law powers of generals or presidents were, and emancipation did not look like the issue with which to begin that determination. "Can it be pretended that it is any longer the government of the U.S. . . . Wherein a General, or a President, may make permanent rules of property by proclamation?" Lincoln asked after canceling Fremont's proclamation. "No doubt the thing was popular in some quarters," he admitted, "but Kentucky would be turned against us," and "to lose Kentucky is nearly the same as to lose the whole game." So, was Abraham Lincoln in conflict with his own view of the Constitution and restraints of executive power when he moved against slavery more forcefully in mid-summer 1862 when the border states had rejected his offer of financial

compensation in return for gradual emancipation? The idea of compensated emancipation received strong approval in the New York press, at least the emancipation part did. To Henry J. Raymond, publisher of *The New York Times*, Lincoln wrote privately, "I am grateful to the New York journals and not less so to the *Times* than to others, for their kind notices of the late special message to Congress," asking for another article in the *Times*, which had said compensated emancipation would be too expensive (the talk was of \$400 for each slave).

On March 7, 1862, the *New York Tribune* wrote about Lincoln's message to Congress seeking compensation that, "Even if it were no more than a barren avowal by the Chief Magistrate of the Nation, That It Is Highly Desirable That The Union Be Purged Of Slavery."

Horace Greeley's *Tribune*, in the forefront of the fight to abolish slavery, found much good in the President's message and took to task Bennett's *Herald* and Raymond's *Times* for failure of enthusiasm.

In September he announced his intention of proclaiming emancipation on January 1, 1863. This was a courageous and radical step. It made the destruction of slavery a certain consequence of northern victory and confronted the nation with the eventual yet challenging prospect of assimilating a vast population of black people. In the meantime, slaves within the Union lines could be conscripted into the Federal army and, with guns in their hands, fight to secure their freedom and help to save the Union. Other aspects of Lincoln's initiative were seemingly less bold, however. The proclamation applied only to the slaves currently located inside the Confederacy. Some say that, in practice, it freed no slaves at all. I do not think this is true. As Union forces continued to occupy Confederate territory, they freed slaves. And many escaped to Union lines. In any event, emancipation would not be officially achieved until the ratification of the Thirteenth Amendment in 1865, a move that Lincoln supported assiduously. Some also argue that the tenor of Lincoln's announcement was rather grudging. He did not grandly proclaim liberation. Rather, he indicated that he was embarking upon it primarily out of military necessity. But he needed a legal rationale for issuing the executive order as slavery was still protected under the Constitution. And slaves were property, the valuation of each slave placed next to their names in the tax assessors' books. And could not property of an enemy be seized under military necessity in war?

The revolutionary implications of the decision for emancipation were, in effect, tempered by the cautious manner of its execution. Similarly mixed was the experience of emancipation by the slaves themselves. After the exhilaration of the first months of liberation, the former slaves soon discovered that their freedom was to be severely limited. Gains were made, but frequently they turned out to be more fleeting and insubstantial than had been hoped. The freedmen must therefore have wondered, as have historians ever since, how radical and transforming emancipation really was.

Lincoln's Proclamation: Emancipation Reconsidered, representing presentations delivered at a Penn State University symposium in April 2007, admirably move beyond this context and Professor Richard Hofstadter's less than charitable description of the document as having "all the moral grandeur of a bill of lading."

In the first essay, "Lincoln and the Preconditions for Emancipation," Paul Finkelman sets the tone, placing the proclamation in context by pointing out the brilliance Lincoln's strategy in the steps leading to the issuance of the documents.

Mark E. Neely, Jr. in "Colonization and the Myth That Lincoln Prepared the People for Emancipation," next discusses the "myth" of colonization as advocated by Lincoln. To the author, a policy of colonization would not have helped Lincoln politically. He believed in colonization when many Americans did not. Neely disputes the view that Lincoln's offer of exporting freed slaves was intended, in part, to make his emancipation policy more acceptable to conservatives because Lincoln genuinely believed in the exportation of blacks – at least for a time. What is important here is that trying to compartmentalize Lincoln's feelings on race is more complex than viewing his beliefs as racist or not. Lincoln had contradictory views on race that changed from time to time.

Richard Carwardine discusses the President's meeting with Chicago ministers who urged Lincoln to issue an emancipation proclamation. While many view the meeting as making little impression on Lincoln, Carwardine raises valid issues for re-evaluating the meeting and how it made Lincoln focus more on the religious community in general. This was one of the ways in which Lincoln was able to discern popular opinion. The President was a master at keeping himself in tune with what the public – his constituents – were thinking. He did this through discussions with clergy, meeting people during his "public

opinion baths” when all were invited into the White House, as well as “intelligence” reports from friends and political allies from all parts of the nation. In any event, Lincoln, not a member of any church, was sensitive to the religions that predominated in the country.

In “What Did the Slaves Think About Lincoln?,” Steven H. Hahn demonstrates how the Emancipation Proclamation contributed to the meaning of freedom for African Americans. Despite illiteracy, freedom contributed to the enslaved’s “political consciousness.” Slaves also viewed and were sensitive to the moods of their owners as they watched their masters’ reactions to the coming of the war and emancipation. Owners feared a slave uprising and this fact did not escape the enslaved population either.

“War, Gender, and Emancipation in the Civil War South” by Stephanie McCurry is a curious presentation because she asks us to consider the question, “How could black women establish citizenship?” Recognizing that citizenship which was virtually nonexistent for African Americans – even freeborn – could be accomplished only by men through military service. As to women, it could only be achieved through marriage. In other words, “...women’s freedom...followed...from the military service of their men” (132). Like Hahn, McCurry, uses St. Domingue as a way of understanding African Americans’ views on emancipation.

Probably the most original essay, Michael Vorenberg’s “Abraham Lincoln’s ‘Fellow Citizens’—Before and After Emancipation” gives us a fascinating discussion and understanding of the actual concept of citizenship in the 19th century. Neither Lincoln’s proclamations nor the Thirteenth Amendment conferred citizenship on slaves who were freed. And to Vorenberg, Abraham Lincoln was not the leader on pressing for citizenship. Vorenberg defines a citizen in a most creative way -- legal citizenship, civic citizenship and affective citizenship. For the first, the person became a citizen by statute or from some court decision. For civic citizenship, that person was allowed to have certain rights attached to citizenship, e.g., owning property, voting. And lastly, for affective citizenship, the person had to feel themselves a citizen of the community with a “common language, a common set of concerns, or simply a shared residency” (152). Vorenberg admits that this last represented members of an “imagined community.” There is an excellent discussion of the *Dred Scott* 1857 decision which said that all black persons – free or enslaved – were not legal citizens of either their state or the nation. Attorney General Edward Bates,

in an opinion to Secretary of the Treasury Salmon P. Chase, “overruled” this part of *Dred Scott* when he indicated that a freeborn African-American man piloting a revenue ship was an American citizen. But the most interesting part of Vorenberg’s discussion was the tardiness of Abraham Lincoln who showed little or no signs of moving toward black citizenship.

As emancipation was not directed at the border states with slavery intact, the effect on the institution in Missouri, Kentucky, Maryland and Delaware was catatonic. As African Americans were allowed to enlist in the Union Army and Navy, the institution in these border states began to “unravel as an institution.” Louis Gertais discusses in “Slaves, Servants, and Soldiers,” how this process came about and the speed – slow at first – in which it became fixed. He, like McCurry, demonstrates how the quickest way to freedom in the border states was through enlistment in military service.

One of the editors, William Blair, in “Celebrating Freedom,” explains how we remember the Emancipation Proclamation today. While Lincoln is appropriately celebrated, there is no commemoration of the end of slavery – one of the greatest events in United States history. The problem has to do with remembering slavery while commemorating freedom. To Blair, there are many kinds of “civic” ceremonies and, in our world, we overlook emancipation as part of these traditions and rituals.

This well-meaning and well-written book gives the reader pause as we wonder whether or not we fully comprehend certain aspects of Abraham Lincoln and emancipation. There are many layers of understanding, just as there are with the man who issued the documents of freedom.

These splendid essays demonstrate how much the Emancipation Proclamation was a potent symbol for men and women who had been born in America, but had not been allowed to consider themselves *of* America. The reality of the Emancipation Proclamation – its limitations and conservative statements – as shown in this book, is less important than the promise it held for the nearly four million enslaved men and women and the half-million free blacks. That promise sustained the African-American population for a time, but faded with the onslaught of discrimination and violence that permeated American society in the post-war years and well into the 20th century.

Finally, this book illustrates that the Emancipation Proclamation's promise was important to white Americans as well in that it allows them to view the nation both presently and historically as a place where all can enjoy inclusion and share in its liberality. Thus, too much attention has been given to proving the argument for or against Lincoln as liberator. Greater focus is needed on what enslaved people and other contemporary Americans believed was and would be the significance of the document itself. Another essay on the greater assessment of whether or not the document did what was intended would have been welcome here along with a discussion regarding why African Americans, for the most part, have turned away from the "great emancipator" idea. Only with such focus can the document's impact on African Americans, and logically, its impact on white America, as well, can we understand the evolving race relations as well as influence our thinking about the nation's character.

All in all, though, we underestimate the political courage it took for Abraham Lincoln to issue the Emancipation Proclamation and then stand behind it. Six weeks after he gave his 100-days's warning in his preliminary proclamation, the midterm congressional elections dumped 45 Republicans from their seats in the House of Representatives.

Impliedly, African Americans did many things for themselves to destroy slavery with more than 180,000 who fought in the Union Army and Navy. But in the end, freedom might have come to nothing without Abraham Lincoln, his Emancipation Proclamation and winning the Civil War.

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